IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL

Criminal Misc. Application No.231 of 2005

1. Lakhan Singh S/o Vijram
2. Baldev s/o Sher Singh
3. Survir Singh s/o Jot Singh
4. Dharm Singh s/o Sher Singh
5. Kundan Singh s/o Vijram
6. Puran Singh s/ oHari Singh
7. Jaspal Singh s/o Sher Singh
8. Sumitra Devi W/o Hikmat Singh
9. Anar Devi w/o Dhan Sngh
10. Laxmi Devi w/o Anand Singh
11. Bhajna Devi w/o Rajvir Singh
12. Jamuna Devi w/o Rajvir Singh
13. Kamla Devi w/o Rajaram Singh
14. Sumitra Devi w/o Kushal Singh
15. Meena Devi w/o Avtar Singh
16. Laxmi Devi w/o Atal Singh
17. Satesvari w/o Budhi Singh
18. Anna w/o Jeetwar Singh
19. Atra w/o Attar Singh
20. Amari Devi w/o Chander Singh
21. Meena w/o Avtar Singh
22. Laxmi w/o Jaiveer Singh
23. Smt.Ramdai w/o Jainder Singh

All r/o Village Gyanza Patti Barahat
P.S;. Kotwali, Tehsil Bhatwari
District Uttarkashi .....Applicants

Versus

1. State of Uttaranchal.
2. Smt.Bishan Dai w/o Kundan Singh
r/o village Gyanza Patti Barahat
P.S. Kotwali, Tehsil; Bhatwari ,
District Uttarkashi ..Respondents

Hon''ble B.C.Kandapl J

This Application under Section 482 Cr.P.C. has been preferred by the applicants for setting aside the order passed on 5.12.03, 10.2.2004 and 1.4.2005 by the Special Judicial Magistrate, Uttarkashi, Judicial Magistrate Uttarkashi and Sessions

Judge Uttarkashi and also to quash the criminal proceedings of criminal case No.1443 of 2003 titled Bisandai vs.Lakhan Singh and others pending before Judicial Magistrate ,Uttarkashi.

Brief facts of the case giving rise to the application is that a complaint was filed against the petitioners under Sections 147,323,504,506,355,427 IPC.

The statement of the witnesses were recorded and after perusing the entire evidence on record the learned Magistrate was pleased to summon the petitioner for facing the trial under Sections 147,323,504,506,355 and 427 IPC vide order dated 5-12-2003.

Objections were filed against the aforesaid summoning order that too was rejected vide order dated 10.2.2004 Thereafter the revision was preferred against the aforesaid order.

The learned Sessions Judge after hearing both the parties and having considered the evidence dismissed the revision on 1.4.2005.

The petitioners feeling aggrieved by the aforesaid orders have filed this petition before this court.

Heard petitioners feeling aggrieved by the aforesaid orders have filed this petition before this court.

Heard Sh. Navneet Kaushik the learned counsel for the petitioners, learned AGA for respondent No. 1 and learned counsel for opposite party No.2 as well as perused the record.

The order of summoning the petitioners for facing the trial is based on sound evidence. The Magistrate has discussed the statement under Sections 200 and 202 Cr.P.C and thereafter has come to the conclusion that there is a prima facie case against the petitioners. The Revisional court has also confirmed the findings of the court of Learned Magistrate thereby dismissing the revision.

The contention which are being raised by the learned counsel for the petitioner relates to the question of fact which can only be seen by the trial court at the stage of trial. The proceedings before the trial court cannot be stopped as there is no mis-carriage of justice

and abuse of power. The meticulous consideration of evidence is not required at this stage. I also do not feel that any mandatory provisions of law were not complied with. The inherent jurisdiction could be exercised when there is mistake in the order passed by the revisional court. I do not find any mistake committed by the revisional court which may call any interference by way of exercising the jurisdiction under Section 482 Cr.P.C.

Accordingly the petition is dismissed.

13.9.2005
NBJ

(B.C.Kandpal, J)